

## **Wiltshire Council**

### **Cabinet Capital Assets**

**Committee 10 November 2015**

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**Subject: Gypsy and Traveller Development Plan Document (DPD):  
Site Allocations**

**Cabinet Member: Councillor Toby Sturgis  
Strategic Planning, Development Management,  
Strategic Housing, Property and Waste**

**Key Decision: Yes**

#### **Executive Summary**

The Council is in the process of preparing the Wiltshire Gypsy and Traveller Development Plan Document (DPD), as set out in the Council's Local Development Scheme. National planning policy requires local planning authorities to plan for at least 10 years in terms of the level of deliverable and developable permanent sites for travellers. Local planning authorities are also required to provide transit/stop-over sites to address the needs of transient travellers. The Wiltshire Gypsy and Traveller Accommodation Assessment (GTAA) published December 2014 informs the DPD by setting out the number of pitches that need to be provided within the plan period.

At this point in time, although a call for sites has been undertaken and Council owned land considered for inclusion, there is insufficient suitable and available land to meet the pitch requirements in the GTAA. It is proposed that suitable land be purchased on the open market in order to enable officers to prepare a sound plan for submission to the Secretary of State. The timetable for preparation of the Plan will need to remain under review until such time as the Council can identify sufficient suitable and available land for inclusion within the DPD.

#### **Proposal**

To help deliver a sound and effective Gypsy and Traveller DPD members are asked to Delegate authority to the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste in discussion with the Associate Directors of Economic Development and Planning, Finance and Property Services for the identification and acquisition of land on the open market to deliver the permanent pitch requirement for 2014-2024; and suitable additional emergency stopping places for travellers; and to allocate budget to do so.

## **Reasons for Proposal**

There are a number of drivers for pursuing the option to purchase land for allocation in the emerging Gypsy and Traveller DPD. These include:

- (i) The legal requirement in the Housing Acts for councils to provide for the accommodation needs of Gypsy and Travellers in its area.
- (ii) The requirement in national planning policy for councils to respond positively to the accommodation needs of travellers, a commitment the Council has also made to the Wiltshire Core Strategy Inspector.
- (iii) The benefits of reducing unauthorised encampments / developments.
- (iv) The need to provide a choice in the size, type and location of traveller sites in Wiltshire.
- (v) The requirement to maintain a five year supply of housing included in national policy.

**Dr. Carlton Brand**  
**Corporate Director**

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Housing, Property and Waste**

**Key Decision:** **Yes**

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#### **Purpose of Report**

1. To inform members of the outcome of an assessment of land for inclusion as potential new traveller sites in the Gypsy and Traveller Development Plan Document (DPD) and seek endorsement for the next steps; and to include providing capital budget.

#### **Relevance to the Council's Business Plan**

2. This proposal is relevant to a number of outcomes and actions identified in the Business Plan 2013-2017. Outcome 3 (Everyone in Wiltshire lives in a high quality environment) specifically mentions that everyone should be able to live in a decent, safe home.
3. The 2014 Gypsy and Traveller Accommodation Assessment (GTAA) specifies the level of accommodation need in the traveller community. The Council has a legal obligation under Section 225 Housing Act 2004 to plan for the accommodation needs of travellers; and national planning policy requires local planning authorities to identify deliverable and developable land for travellers for at least 10 years.
4. The proposal furthermore responds to the identified actions in the Business Plan, such as reducing inequalities between the most and least deprived communities; promoting equal opportunities; and health improvements.
5. The Council's Gypsy and Traveller Strategy (2010) notes that the traveller community is still disadvantaged and that the health and the level of education amongst its members for example is poor compared to the settled community. Access to health and education services can be an important equality issue. In addition, the 2014 GTAA notes that in some instances multiple households are living on permitted sites in overcrowded conditions.
6. Addressing the accommodation needs of travellers through site allocations in a DPD can provide the basis for creating better and healthier living conditions and access to education, employment and health care. Provision of emergency stop-over sites can reduce vulnerability of travellers and the potential for harassment and conflict.

## Background

7. The preparation of the Gypsy and Traveller DPD is included in the Council's Local Development Scheme, January 2015 with a programmed adoption date of May 2016. This timetable is under review due to issues around identifying sufficient sites for inclusion within the draft Plan.
8. The process for the assessment of sites for inclusion within the DPD was agreed at Cabinet Capital Assets Committee (CCAC) on 20 May 2014. This has been used in the assessment of sites that is summarised in this report and is set out at **Appendix 1** for information.
9. National Planning Policy for Traveller Sites (PPTS)<sup>1</sup> requires that local planning authorities identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets (paragraph 10). It furthermore requires that authorities identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, **where possible**, for years 11-15 and maintain a 5 year supply of sites throughout the proposed plan period. National planning policy also requires local authorities to identify the number of transit pitches required in their local plan (paragraph 9).
10. The adopted Wiltshire Core Strategy (Core Policy 47) and the Gypsy and Traveller DPD will provide local planning policy to ensure the accommodation needs of the Gypsy and Traveller communities in Wiltshire can be delivered. The supporting text to Core Policy 47 at paragraph 6.61 commits the Council to considering the release of publicly owned land to aid meeting travellers' accommodation needs. The pitch requirements set out in Core Policy 47 are included at **Appendix 2** for information (see Table 2A). However, these are being updated in the light of more up to date information within the GTAA and will form part of the DPD.
11. The Gypsy and Traveller DPD will:
  - (i) provide a review of the overall permanent pitch requirements by Housing Market Area (to update the Core Strategy requirements);
  - (ii) identify sites for allocation as new traveller sites; and
  - (iii) include supporting development management policies.
12. The review of the overall permanent pitch requirement is being informed by a GTAA which was carried out by consultants Opinion Research Services (ORS). The GTAA was published in December 2014.<sup>2</sup> The pitch requirements identified in the GTAA are also included at **Appendix 2** for information (see Table 2B).

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<sup>1</sup> Revised in August 2015

<sup>2</sup> <http://www.wiltshire.gov.uk/wiltshire-gtaa-final-report.pdf>

### Permanent gypsy and traveller pitch requirements

13. The number of permanent pitches required to meet the 15 year requirement (2014 to 2029) for permanent pitches is established in the GTAA, which has a base date of July 2014. This will inform the pitch requirements to be included within the new policy within the Gypsy and Traveller DPD. The aim is to update the pitch requirements in Core Policy 47 through the new evidence underpinning the emerging DPD. That evidence is contained in the GTAA. Core Policy 47 will be reviewed following adoption of the DPD but only in terms of the numbers. As set out above, national policy requires local planning authorities to plan for at least 10 years in terms of the level of deliverable and developable sites for travellers.
14. Officers have followed the site assessment approach in **Appendix 2** in order to identify land to meet the pitch requirements. A Sustainability Appraisal was also undertaken on these. The cascading approach advocates the use of privately owned land submitted to the Council's Call for Sites, including intensification of existing sites, before considering publicly owned land for allocation.
15. Private land supply is, at this point in time, poor. The predominant number of private sites which were considered already benefit from planning permission for traveller pitches. These sites qualify for intensification due to an identified housing need on site; or they benefit from temporary permissions and could be allocated in the DPD with the aim to make them permanent traveller sites.
16. A total of four private Greenfield sites were tested in line with the agreed methodology. One site in the South HMA capable of supplying at least five pitches was withdrawn by the landowner in June 2015. One privately owned site in the North and West HMA which could supply one pitch was also withdrawn by the landowner for viability reasons. Two sites were taken forward by the landowners through the planning application process and have either been approved or are still being determined at this point in time. Approval of the application would mean a reduction of the pitches that need to be found. Therefore, there are likely to be no privately promoted greenfield sites available for allocation in the DPD.
17. Officers then undertook an assessment to consider Council-owned land. The Asset Management Team was consulted as to title deeds and land availability. Sites that may have been suitable from a planning perspective were generally not available with the exception of one site that had the potential for five pitches. As a result, at this point in time there are insufficient available and suitable sites to meet at least a 10 years pitch requirement in the GTAA.
18. The tables below illustrate the shortfall for the relevant housing market areas. The tables also set out permissions which have reduced the requirement since July 2014, the base date of the GTAA. The table also suggests the number and type of sites potentially required to address this shortfall. Individual sites which currently form part of the supply are not named for confidentiality reasons.
19. In the North and West HMA currently there is a shortfall of six pitches to be addressed in 2019-24; and in the South HMA there is a shortfall of eight pitches.

**Table 1: Proposed supply of sites in the North and West Housing Market Area**

GTAA requirement		
Housing Market Area/Pitch supply	No. of Pitches (2014-19)	No. of Pitches (2019-24)
GTAA requirement	<b>21</b>	<b>22</b>
North and West HMA residual requirement	-1  (22 pitches permitted between July 2014 and October 2015)	22-11 = 11  (11 pitches oversupply from the first 5 years)
Supply from review of temporary permissions, unauthorised sites and intensification of existing privately owned traveller sites	10 <sup>3</sup>	0
Private land supply through 'call for sites' exercise	0	0
Supply through review of publicly owned land	Not required	5
Residual requirement to be met	None	<b>6</b>
<b>Residual requirement</b>	<b>-11</b>	<b>6</b>

**Table 2: Proposed supply of sites in the South Housing Market Area**

GTAA requirement		
Housing Market Area/Pitch supply	No. of Pitches	No. of Pitches (2019-24)
GTAA requirement	<b>1</b>	<b>10</b>
South HMA residual requirement	0  (1 pitch permitted as of	10-2 = 8  (2 pitches oversupply from previous 5 years)
Supply from review of temporary permissions, unauthorised sites and intensification of existing privately owned traveller sites	2 <sup>4</sup>	0
Private land supply through 'call for sites' exercise	0	0
Supply through review of publicly owned land	0	0
Residual requirement to be met	<b>0</b>	<b>8</b>
<b>Residual requirement</b>	<b>-2</b>	<b>8</b>

<sup>3</sup> The housing need on relevant permitted sites is acute and would need to be met in the first 5 years of the plan

<sup>4</sup> The housing need on permitted sites is acute and would need to be met in the first 5 years of the plan  
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### Next Steps

20. In order to identify sufficient land to meet the GTAA pitch requirement for at least 10 years, it is proposed that land is purchased on the open market pursuant to the Council's general powers to acquire land under Section 120 of The Local Government Act 1972.
21. There are a number of ways to do this. The Council could respond to private landowner's advertisements for land sale and purchase land on the property market to make it available to travellers through an allocation in the DPD. The Council could advertise for sites to come forward to be considered for this purpose, as it has done to find sites in Melksham for the campus and also for potential alternative salt stores to replace Warminster and Mere Depots in the A303/A350 junction area. Both these campaigns proved to be useful. Finally, the Council could explore opportunities as part of other land acquisition activities.
22. Before responding to candidate sites for permanent traveller sites advertised on the property market an assessment under Tier 1 and 2 of the assessment would be made to determine their potential suitability. Potential sites would need to be referred to Legal Services at an early stage to undertake legal due diligence and assess any third party rights, interests or covenants which may affect use of the sites for the relevant purpose. This would ensure that unsuitable sites are not pursued or purchased. If the Council is to acquire private land, it could secure first refusal on suitable sites by, where appropriate, entering into an option over the land or by exchanging contracts conditional upon the grant of planning consent.

### Transit Strategy

23. In accordance with national policy, the GTAA considers and provides advice on the development of a transit strategy in Wiltshire.
24. Transit and stop-over site provision serve the following purposes:
  - To provide travellers with a safe and secure place for short term stay.
  - To enable the police and the Council's enforcement officers to effectively manage unauthorised encampments, and direct travellers to a suitable pitch on a relevant caravan or transit site within the same Local Authority area under the Criminal Justice and Public Order Act 1994
25. It recognises that it is not feasible for the Council to manage more than the one transit site at Odstock and recommends that the Council considers the provision of Emergency Stopping Places at locations near to Trowbridge, Salisbury and to the north of the county, as illustrated in the broad locations on the Map set out in **Appendix 3**.
26. Based on the GTAA recommendation officers have been developing a transit strategy to inform the emerging Gypsy and Traveller DPD. The following key principles are proposed:
  - (i) Maintain the existing transit site at Odstock in the short term (see v),

- (ii) Encourage private transit capacity on existing sites to be available to family and friends
  - (iii) Monitor and extend the network of emergency stopping places in the medium term in collaboration with neighbouring authorities
  - (iv) Close the existing transit site at Odstock as the network of emergency stopping places expands.
27. Officers have worked with the Council's highway enforcement team to establish if there are suitable sites in council ownership which could serve as emergency stop-over sites.
28. It is proposed that Planning Officers continue to work with Highways Enforcement and the Asset Management Team to identify suitable sites within Council ownership including the ongoing review of highway depots which by their nature are often in suitable locations on the road network. If this yields no suitable sites, officers would seek to find new sites based on the proposal for the identification of permanent sites set out above.

#### Delivery

29. Officers are exploring delivery options which currently involve outright sale; lease; and Community Land Trust Model. Further work will be carried out with the intention of identifying specific delivery mechanisms. At this point in time approval is sought regarding the principle of land purchase to deliver the DPD.

### **Overview and Scrutiny Engagement**

30. Overview and Scrutiny has not formally been engaged in the proposals set out in the report. Environment Select Committee has requested elements of the DPD process (specifically Delivery) to be scrutinized by its Gypsy and Traveller sub-group.

### **Safeguarding Implications**

31. Provision of suitable permanent sites with access to facilities ensures that both vulnerable adults and children have better access to support services available within Wiltshire, e.g. health, welfare, financial and education services.

### **Public Health Implications**

32. Providing a settled base for travellers in sustainable locations that are also connected to main service infrastructure (gas, electricity, water, sewage) has public health benefits and provides access to health and education services. There may also be wider benefits from the proposal in reducing unauthorised development and encampments. Assessment of the health impact of proposals will be undertaken as part of the site assessment process.



## **Corporate Procurement Implications**

33. The purchase of land is excluded from the Contract Rules and legal services will assist with the necessary contracts. Should there be any works requirements in relation to the development of these sites, once acquired, to make them fit for purpose, a competitive exercise to appoint the contractor(s) will be undertaken. Advice will be sought in good time from the Corporate Procurement Unit to ensure procurement governance is adhered to and best value procurement is undertaken.

## **Equalities Impact of the Proposal**

34. The DPD overall will involve comprehensive consultation and communication with the local Traveller and settled communities to ensure that proposed sites are appropriate for the needs of Traveller communities, balanced against the needs of the settled population.
35. The Plan is being developed in accordance with the adopted Statement of Community Involvement which recognises the need to consider the requirements of different elements of society. As such, the specific requirements of the traveller community are recognised and embedded in the process. Ultimately, an Equality Impact Assessment of the DPD will be carried out alongside policy development and is required to be submitted with the DPD to the Planning Inspectorate as part of the examination process.
36. The provision of new sites should help reduce the need for unauthorised development and encampments in the county, providing a better quality of life for travellers who wish to settle in Wiltshire or travel through Wiltshire as well as meeting the needs of the settled population.

## **Environmental and Climate Change Considerations**

37. The tiered assessment to be applied to all candidate sites seeks to exclude sites which are covered by environmental designations and/or hazardous land uses. A Sustainability Appraisal/Sustainable Environmental Assessment and a Habitats Regulation Assessment are a required part of the development plan process in accordance with European law. These will report on the social, economic and environmental impacts of all the policies and proposals contained within the Gypsy and Traveller DPD. Draft reports for each document will be published for consultation at each stage of the plan's development.

## **Risk Assessment**

38. There is a risk that the purchase of new traveller sites will generate negative publicity for the Council. However the Council has a duty to address the accommodation needs of travellers and strategies can be put in place to manage communication and consultation to mitigate this risk and outline the positive benefits of the proposal for local communities.
  - (i) It minimises the risk of losing candidate sites should private landowners withdraw a site due to public pressure;
  - (ii) The Council would be able to control the release of the site in line with any proposed phasing in the DPD following its adoption.

### **Risks that may arise if the proposed decision and related work is not taken**

39. Risks that may arise if work is not progressed to increase the supply of land to meet the GTAA requirement for at least 10 years, and deliver emergency stop- over places include:
- (i) The Council has committed to the Core Strategy Inspector to identify how it will adopt a positive approach towards the Gypsy and Travelling Community. If the proposed work is not progressed the Council could be seen to be not showing, as far as is practicable, that it is responding positively to national planning policy for traveller sites.
  - (ii) It would result in insufficient suitable land available for allocation. Consequently the Council would be unable to complete the Gypsy and Traveller DPD which it has committed to deliver as set out in the Core Strategy and LDS.
  - (iii) Planning applications that are refused may be won on appeal because the Council cannot demonstrate a 5 year supply of sites and has not met its duty to allocate sites for travellers as per Planning Policy for Traveller Sites (2015).
  - (iv) An increase in unauthorised developments and encampments in unsustainable locations may arise.
  - (v) Increased difficulty in enforcing against unauthorised encampments because of a lack of suitable stop-over sites to move to.
  - (vi) The travelling community would lose further trust in the Council's ability to deliver the DPD, a process which was embarked on in 2010.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

40. The risk identified with this proposal are:
- (i) Sites could be found unsustainable or inappropriate by a Planning Inspector during plan examination leaving the council with surplus assets.
  - (ii) Public opinion may be unsupportive of the use of Council money to buy land for travellers.
  - (iii) Concerns by the local community about why a specific piece of land and not others had been purchased. This could be seen more as a reactive process than a proactive process of site selection disadvantaging communities where land just happened to be available.
  - (iv) The future use of the site being proposed may influence the sale price
41. Robust sites assessments and due diligence process will be carried out prior to the purchase of suitable land. The consultation on the draft DPD will involve community engagement to ensure that the reasons for this approach are clearly communicated.

### **Financial Implications**

42. The Council will acquire a new asset that may benefit from some uplift in land value once the DPD is adopted depending on how the site is released to the traveller community. This could be in the form of the sale of the land or

ongoing lease arrangements. Options on the best way to release new sites to the traveller community are being investigated. A financial breakdown is provided at Part II – Confidential Appendix 4.

## **Legal Implications**

43. The process of land acquisition on the property market has legal implications.

## **Options Considered**

44. Officers have worked through a number of reasonable options prior to considering the proposal to purchase land on the open market.
45. The assessment methodology, as set out in **Appendix 1** includes the use of a 3 kilometer search area. Consideration has been given to extending the area of search to beyond 3 kilometers. However, this has been discounted as this would result in traveller sites in unsustainable locations further away from services and facilities; and could be in conflict with national planning policy which requires to very strictly controlling traveller sites in open countryside.
46. Officers further considered a review of privately owned sites submitted as part of the Strategic Housing Land Availability Assessment. However, the withdrawal of land by private landowners later on in the process, as reported above, poses a high risk and could leave the Council vulnerable in land supply terms, undermining the DPD.

## **Conclusions**

47. The Gypsy and Traveller DPD will enable the planned release of new traveller sites in accordance with a clear set of criteria. The inclusion and allocation of Council owned land in this process will support the maintenance of a 5 year supply of deliverable and at least a 10 year supply of developable and sites within the county over the plan period and ensure there is a mix of sites both geographically and in terms of size, type and tenure. In short, a comprehensive, planned strategy for the release of homes for travellers.
48. The planned purchase and release of new traveller sites will:
- (i) help meet the legal requirement in section 225 Housing Act 2004 and the PPTS for councils to provide for the accommodation needs of Gypsies and Travellers in their area.
  - (ii) demonstrate that Wiltshire Council is responding positively to the accommodation needs of travellers a requirement of national planning policy, and
  - (iii) help reduce the occurrence of unauthorised encampments / developments.
49. Once the assessments of all suitable and available sites are complete and sufficient land is identified and acquired for inclusion in the Gypsy and Traveller DPD the next step will be to prepare the draft DPD for Pre-Submission Consultation. Reports will be prepared for Cabinet to approve the Pre- Submission Draft Plan for consultation and a report for Cabinet Capital

Assets will be prepared to seek formal agreement to the release of Council owned land as allocations in the Plan.

**Alistair Cunningham**  
**Associate Director Economic Development and Planning**

Report Authors:  
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Date 14 October 2015

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### **Background Papers:**

**The following unpublished documents have been relied on in the preparation of this report:**

None

### **Appendices**

- Appendix 1: Pitch requirements from Wiltshire Core Strategy and Gypsy and Traveller Accommodation Assessment
- Appendix 2: Site identification process and summary of tiered assessment
- Appendix 3: GTAA 2014: Broad locations for emergency stop-over sites

### **Part II**

- Appendix 4: Cost Breakdown - Exempt from Publication

## Appendix 1: Site Identification Process and Summary of Tiered Assessment

### Process for the identification of potential new traveller sites

STEP 1	Review current temporary permissions
STEP 2	Review known unauthorised developments ie unpermitted sites on Gypsy owned land
STEP 3	Consider sites submitted as part of the call for sites exercise carried out in 2010
STEP 4	Consider sites submitted as part of the call for sites exercise carried out in 2014
STEP 5	Consider the intensification or extension of existing sites
STEP 6	Review council owned land
STEP 7	Review sites submitted as part of the strategic housing land availability assessment.

<b>Summary of Three-Tier Site Identification/Assessment Approach</b>	
<b>Tier 1: Location, Policy &amp; Environmental Constraints</b>	
<i>Relationship to Settlements</i>	Sites should ideally be within an agreed acceptable distance of a neighbourhood/district centre via safe walking/cycle route(s).
<i>Policy Constraints</i>	Sites should avoid any adverse impact on local/national designations (such as conservation areas and Areas of Outstanding Natural Beauty)
<i>Environmental Constraints</i>	Sites should avoid any hazardous areas (such as flood zones, contaminated land)
<b>Tier 2: Access &amp; Infrastructure</b>	
<i>Physical Infrastructure</i>	The capacity of local infrastructure to accommodate the maximum number of pitches on a site.
<i>Transport Infrastructure</i>	Access to site options should be in line with adopted highway guidance and standards. Access to public transport should be within an agreed distance and frequency.
<i>Social Infrastructure</i>	Sites should be within an acceptable walking distance of at least 3 local amenities/services, including schools, shops, medical facilities, recreational facilities via safe walking/cycle route. Capacity of existing infrastructure is also considered.
<i>Other Considerations</i>	The relationship of a site with existing Gypsy and Traveller sites (if any) is considered.
<b>Tier 3: Design &amp; Deliverability</b>	
<i>Design &amp; Impact</i>	The use of a site for Gypsy and Traveller accommodation is assessed in terms of its impact on the character/appearance of the surrounding area, along with the impact on the residential amenity of nearby properties.
<i>Deliverability</i>	The ease of acquisition is considered along with indicative costing of bringing the sites forward for development (detailed site layouts and costing are prepared for top-performing sites).

## Appendix 2: Pitch Requirements

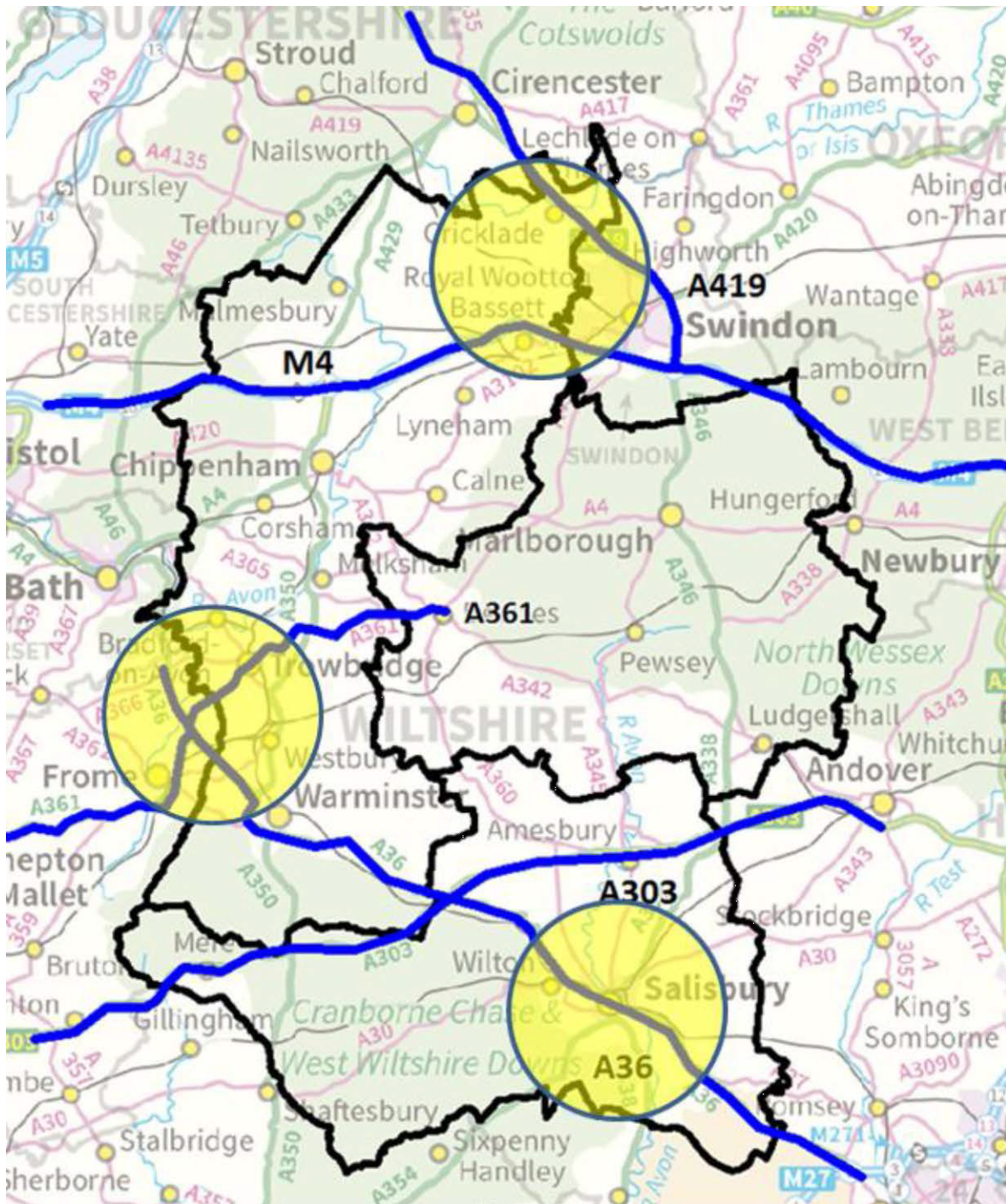
**Table 2A: Wiltshire Core Strategy Core Policy 47**

Housing Market Area	Proposed Requirement (2011-2016)	Proposed Requirement (2016-2021)	Transit provision (2011-21)
North and West Wiltshire	26	22	10
South Wiltshire	37	19	8
East Wiltshire	3	1	7
<b>TOTAL</b>	<b>66</b>	<b>42</b>	<b>25</b>

**Table 2B: 2014 GTAA Requirement**

Housing Market Area	Requirement (2014-19)	Requirement (2019-24)	Requirement (2024-29)	Total
<b>North &amp; West Wiltshire</b>	21	22	25	68
<b>South Wiltshire</b>	1	10	11	22
<b>East Wiltshire</b>	0	0	0	0
<b>Total</b>	<b>22</b>	<b>32</b>	<b>36</b>	<b>90</b>

### Appendix 3: Broad Locations for Emergency Stop-Over Sites



Source: Wiltshire Gypsy and Traveller Accommodation Assessment, Dec 2014